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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YEMISI AKINYEMI,

PLAINTIFF,  
07-CV-4048 (CM) (AJP)

-against-

MICHAEL CHERTOFF, SECRETARY,  
DEPARTMENT OF HOMELAND  
SECURITY,

DEFENDANTS.

-----X

DATE: October 31, 2007

TIME: 10:32 a.m.

EXAMINATION BEFORE TRIAL of the

Defendants, by a witness, JOLANTA GLUBA, taken  
by the Plaintiff, pursuant to a Notice, held at  
the offices of United States Attorney's Office,  
Southern District of New York, 86 Chambers  
Street, New York, New York 10007, before Helen  
Shum, a Notary Public of the State of New York.

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2 A P P E A R A N C E S:

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4 K. C. OKOLI, ESQ.  
Attorney for the Plaintiff  
5 330 Seventh Avenue - 15th Floor  
New York, New York 10001  
6

7

8 UNITED STATES ATTORNEY'S OFFICE  
SOUTHERN DISTRICT OF NEW YORK  
Attorneys for the Defendants  
9 86 Chambers Street - 3rd Floor  
New York, New York 10007  
10 BY: JOHN DALTON CLOPPER, ESQ.

11

12 ALSO PRESENT:  
Ralph Talarico, Esq.  
13 Melanie Acevedo, Esq.

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2 J O L A N T A G L U B A, called as a  
3 witness, having been first duly sworn by a  
4 Notary Public of the State of New York, was  
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. OKOLI:

8 Q. Please state your name for the  
9 record.

10 A. Jolanta Gluba.

11 Q. What is your business address?

12 A. 1100 Raymond Boulevard, Newark,  
13 New Jersey 07114.

14 Q. Good morning. My name is K. C.  
15 Okoli. I'll be asking you questions at this  
16 deposition in connection with the lawsuit which  
17 my client, Yemisi Akinyemi, has brought against  
18 the Department of Homeland Security or more  
19 appropriately, the Secretary, Michael Chertoff.  
20 I'll ask that you verbalize all your answers.

21 If I ask you a question that you don't  
22 understand, please let me know, and I'll  
23 rephrase the question so that you do  
24 understand. I'll also ask you to be patient.  
25 Even if you know what my question is going to

1 J. GLUBA

2 be, let me finish my question before you  
3 respond. The reason for that is so the  
4 stenographer can take down the question clearly  
5 before you respond.

6 During the course of this  
7 deposition if you wish to take a break, you may  
8 do so. We'll just state on the record that  
9 you're taking a break. You can take a break  
10 for whatever reason you want.

11 What's your address?

12 A. You mean my work address or?

13 MR. OKOLI: Counsel, if you're not  
14 going to accept subpoena on her behalf,  
15 I would need her home address.

16 MR. CLOPPER: Sure. We'll be happy  
17 to.

18 Q. Then your work address.

19 A. My work address is 1100 Raymond  
20 Boulevard in Newark, New Jersey 07114.

21 Q. Since when have you been working  
22 out of this address?

23 A. I've been working there since March  
24 of 2002.

25 Q. Where is your place of birth?

1 J. GLUBA

2 A. Warsaw, Poland.

3 Q. Just for the record, what's your  
4 race?

5 A. White.

6 Q. Who's your employer?

7 A. Customs and Border Protection.

8 Q. What's your highest education level  
9 attainment?

10 A. I have a graduate degree, master's.

11 Q. When did you obtain that master's  
12 degree?

13 A. I obtained it -- I graduated June  
14 of '07.

15 Q. I take it then that you have a  
16 bachelor's degree?

17 A. I have a bachelor's degree.

18 Q. When did you graduate with your  
19 bachelor's degree?

20 A. January of '04.

21 Q. When did you first become employed  
22 by the Customs and Border Protection?

23 A. March 2002.

24 Q. When you became employed, what was  
25 your title?

1 J. GLUBA

2 instructed to do something.

3 So I proceeded to call the  
4 supervisor and supervisor asked me to come into  
5 the office and see him with a passport. As I  
6 was exiting -- as I was exiting the area, I  
7 remember I locked my computer, walked into the  
8 supervisor's office. Supervisor looked at the  
9 passport, told me to go see another officer in  
10 another office, and as I'm walking to the other  
11 office, the passenger was asking me if  
12 everything's okay. I told him, "Everything's  
13 fine. Just give me a few more minutes."

14 As I walked into the other office,  
15 I proceeded to do what I was instructed to, and  
16 during that time, the passenger walked into the  
17 exam belt and played with something with the  
18 computer, and another supervisor walked out of  
19 the office and witnessed the passenger in the  
20 area and instructed the passenger to leave the  
21 area and had another officer watch the  
22 passenger. During the time -- during that  
23 time, the supervisor walked into this other  
24 room where I was doing what I was instructed  
25 to, and he told me the incident that happened,

1 J. GLUBA

2 and I told him I -- no. I locked the computer,  
3 and from then on, I know the supervisor spoke  
4 to the passenger, and that was it.

5 Q. Let's just go back a little bit.  
6 You said that the passenger was referred from  
7 control point. What does that mean?

8 A. The control point is where a  
9 passenger walks up for an exit from the  
10 immigration with his bags. He's either  
11 instructed by a control point officer to exit  
12 the area. He's free to go or he goes into  
13 secondary. If the passenger has a high stamp,  
14 he comes into the secondary area.

15 Q. In this particular passenger's  
16 case, what was the reason that he was sent to  
17 secondary?

18 MR. CLOPPER: Objection; law  
19 enforcement privilege. I'm directing  
20 the witness not to answer, but I may be  
21 able to give an answer to this question.  
22 So I'm going to step outside with  
23 Officer Gluba for a moment very quickly  
24 to see what we can answer and what we  
25 can't, and we'll be right back.

1 J. GLUBA

2 screen up, and there was a few seconds, and  
3 then he ran out of the office and instructed  
4 the passenger to leave the exam belt area.

5 Q. Just to be clear, this passenger  
6 went into the space where you would normally  
7 be, where you were working?

8 A. Yes.

9 Q. And in fact, did he go on the  
10 computer?

11 A. Yes.

12 Q. But you don't know what he was able  
13 to do with the computer?

14 A. No, I don't.

15 Q. As you sit here today, do you know  
16 what that passenger was able to do with the  
17 computer?

18 A. No, I don't.

19 Q. Did anybody ever tell you?

20 A. No.

21 Q. Did Mr. Frank tell you how long he  
22 had observed this passenger before he went and  
23 asked the passenger to leave the area?

24 A. No, he didn't, but I'm assuming  
25 seconds, seconds, maybe a minute.



1 J. GLUBA

2 Q. But he clearly told you that he  
3 observed the passenger touching the keyboard of  
4 the computer?

5 A. Yes.

6 Q. So the passenger was there with  
7 sufficient time for this passenger to go from  
8 where he was outside the belt area into your  
9 work space to actually go on the keyboard of  
10 the computer?

11 A. Yes.

12 Q. What was Mr. Frank's title?

13 A. Supervisor.

14 Q. After Mr. Frank told you this, what  
15 next did you do?

16 A. I proceeded to give the passenger  
17 his passport and explained everything, the  
18 process to the passenger because he wanted an  
19 explanation why he was stopped. So I explained  
20 the best I can, and I walked the passenger to  
21 the door, to the exit door, and I thanked the  
22 passenger, and I said, "Have a good day," and  
23 that was it.

24 Q. Just to be clear, this passenger  
25 was not an employee of CBP?

1 J. GLUBA

2 any way of knowing whether or not that man had  
3 that information prior?

4 A. From the passenger stating to the  
5 supervisor that he knew the information prior.

6 Q. Just the passenger stating. This  
7 was a passenger he had never met before,  
8 correct?

9 A. Yes.

10 Q. So he wouldn't know whether or not  
11 the passenger was telling him the truth or not?

12 A. Correct.

13 Q. Do you have any specific  
14 recollection of the information that this  
15 passenger said he saw, which he knew earlier  
16 on?

17 A. No.

18 Q. This computer that you work from,  
19 could you access sensitive information from  
20 that computer?

21 A. Yes.

22 Q. Some of the information you could  
23 access on the computer was information that  
24 should be known only to law enforcement  
25 personnel, correct?

1 J. GLUBA

2 A. Yes.

3 Q. This passenger was not a law  
4 enforcement personnel?

5 A. No.

6 Q. After the passenger left, did  
7 Mr. Frank have any further conversation with  
8 you on this?

9 A. Yes, he did.

10 Q. Did that conversation take place  
11 the same day or some other day?

12 A. Same day.

13 Q. Approximately how long after the  
14 passenger left did this other conversation take  
15 place?

16 A. Ten minutes later.

17 Q. What was the nature of the  
18 conversation?

19 A. Kind of just question of what  
20 happened, like what -- like the situation.

21 Q. I'm trying to get at when you say  
22 "what happened," was that all? He just asked  
23 you, "what happened?"

24 A. He just wanted to know. During the  
25 time when I walked in to see Supervisor

1 J. GLUBA

2 Scaringella, he wasn't present at the office.  
3 So he just wanted to know the whole situation,  
4 what was the reason I walked into the office,  
5 and what was the reason I left the passenger  
6 unattended.

7 Q. I'm talking about sum and  
8 substance. Other than that, was there anything  
9 else about the conversation other than what you  
10 just testified to?

11 A. No.

12 Q. Other than Supervisor Frank, did  
13 anyone else question you about your interaction  
14 with this passenger?

15 A. That day, yes.

16 Q. Who was it that questioned you?

17 A. It was Deputy Herter, Herbert  
18 Herter.

19 Q. Do you remember how much time  
20 passed from when this incident occurred to when  
21 you were first questioned by Deputy Herter?

22 A. Approximately maybe two hours.

23 Q. Two hours?

24 A. Yes.

25 Q. How did you come to speak with

1 J. GLUBA

2 director, and I was told my case was closed and  
3 that I'm receiving a disciplinary letter that  
4 will stay on file for a year and that if any  
5 incident happens within that year, I will be  
6 terminated.

7 Q. Who was the area director that  
8 you're referring to?

9 A. Kathleen Haage-Gaynor.

10 Q. Could you describe Kathleen  
11 Haage-Gaynor, her physical appearance?

12 A. White female, six feet tall, blonde  
13 hair, eyeglasses.

14 Q. In the four and a half or so months  
15 that you were at the cargo facility, did you  
16 receive a salary?

17 A. Yes, I did.

18 Q. The same salary you were earning at  
19 the time that you worked at the secondary, the  
20 belt area?

21 A. Yes, without overtime.

22 Q. Sorry.

23 A. Without overtime.

24 Q. But you received your base salary?

25 A. Base salary.

1 J. GLUBA

2 Q. After you received it, where were  
3 you assigned to?

4 A. I was reassigned to the airport,  
5 Terminal C.

6 Q. Is it the same exam area or another  
7 area?

8 A. Same exam area.

9 Q. Same duty post?

10 A. Well, every day the duty post  
11 changed so, but I was assigned to the baggage  
12 area.

13 Q. When you were reassigned to the  
14 baggage area, were you doing essentially the  
15 same kind of things you were doing before you  
16 were transferred out of the area to the cargo  
17 facility?

18 A. Yes.

19 Q. Since you went back to the cargo  
20 area, have you received any raises in your  
21 salary?

22 A. Yearly regular grade raises.

23 Q. Are you familiar with any of the  
24 restaurants at the airport at Newark  
25 International Airport?

1 J. GLUBA

2 A. Yes, I did.

3 Q. At the time, you knew that?

4 A. At that time, no.

5 Q. Do you know now whether or not the  
6 computer was working properly?

7 A. Yes.

8 Q. What do you know?

9 A. That another officer filed a  
10 complaint a few months in advance that the  
11 computer had some type of malfunctions.

12 MR. CLOPPER: Thank you.

13 MR. OKOLI: Just a few questions.

14 EXAMINATION BY

15 MR. OKOLI:

16 Q. Now, when you said you attempted to  
17 lock the computer, what specifically did you do  
18 to attempt to lock the computer?

19 A. I hit control, alt, delete.

20 Q. Did you observe the screen of the  
21 computer to see what happened after you hit  
22 control, alt, delete?

23 A. Yes.

24 Q. What did you see on the computer?

25 A. I saw a blank screen with the

1 J. GLUBA

2 symbol of DHS, Homeland Security.

3 Q. After it was brought to your  
4 attention that the passenger had gone behind  
5 your work area, did you look at the screen of  
6 your computer?

7 A. Yes.

8 Q. What did you see?

9 A. A box that said workstation is  
10 locked.

11 Q. So you did not see any words?

12 A. No.

13 Q. You also testified that the  
14 individual, the passenger had said that he saw  
15 information which he knew already?

16 A. Yes.

17 Q. So did you get the sense then that  
18 after he accessed whatever information he did,  
19 he went to the computer, and he was able to  
20 bring up what you saw when you came there?

21 A. I don't understand what you mean.

22 Q. You said when you left, it was a  
23 blank screen with DHS?

24 A. DHS sign.

25 Q. This individual said he went on the



1 J. GLUBA

2 computer and was able to see some information?

3 A. Yes.

4 Q. But then he already knew this  
5 information?

6 A. Yes.

7 Q. When the next time you went back,  
8 the next time after you left your work area and  
9 went back and saw your computer, you saw the  
10 same blank screen, correct?

11 A. Yes.

12 Q. If the gentleman got information  
13 from this computer, it means he went back out  
14 to leave a blank screen for you to see when you  
15 came; fair to say?

16 A. Yes.

17

18

19 (Continued on next page to include  
20 jurat.)

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